

**Department of Finance –
Office of Indigent Defense Services**



**Functional Analysis
&
Records Disposition Authority**

**Presented to the
State Records Commission
April 22, 2015**

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Functional and Organizational Analysis of the Department of Finance – Office of Indigent Defense Services

Sources of Information

- Representatives of the Department of Finance – Office of Indigent Defense Services
- Act No. 2011-678
- Code of Alabama 1975 § 15-12-1 through § 15-12-46; § 12-19-252; § 41-4-320 through § 41-4-327
- Office of Indigent Defense Website (www.oids.alabama.gov)

Historical Context

The Office of Indigent Defense Services was created as a division of the Department of Finance through the enactment of SB 440, Act No. 2011-678, on June 14, 2011. The office is subject to the control of the Director of Finance. Some of its duties were previously performed by the Division of Control and Accounts. The Office of Indigent Defense operates under Code of Alabama 1975 § 12-19-252, which provides its funding and budget authority, and § 15-12-1 through § 15-12-46, which provide for the implementation of indigent defense systems throughout the state. The latter sections also establish rules and regulations regarding indigent defense, and for the payment of fees and expenses associated with the representation of qualified defendants.

Agency Organization

The division director is an attorney, licensed in the State of Alabama, who was chosen by the Director of Finance from a list of three qualified candidates nominated by the Alabama State Bar Board of Bar Commissioners. If the board fails to provide a list of candidates, then the director is chosen by the Director of Finance from a list of three qualified candidates provided by the governor. The director serves for a term of three years, which is renewable, and is subject to termination for cause. The staff consists of an Accounting Manager, a Staff Accountant, an Accountant, and a part-time Account Technician (all of whom were existing employees of the Department of Finance), as well as a Staff Accountant, an Account Technician, an Account Clerk, and an Administrative Support Assistant III, who were hired after the division was created. All employees, with the exception of the director, are part of the state merit system.

Agency Function and Subfunctions

The mandated function of the Office of Indigent Defense Services is to carry out administrative duties related to the provision of indigent defense services. In cooperation and consultation with other state agencies, professional associations, and other groups interested in the improvement and expansion of defender services, it provides financial services, guidance, and statistical data to the state's judicial circuits. The office's goal is to ensure that every indigent defendant represented receives the fullest measure of due process required by law, and in a cost-efficient

and effective manner. It seeks to promote fiscal responsibility and accountability, while providing quality legal representation to indigent defendants. The office also oversees the payment of court-appointed attorneys for certain legal services performed on behalf of indigent clients in Alabama's family courts.

In the performance of its mandated function, the Office of Indigent Defense Services may engage in the following subfunctions:

- **Developing Rules and Standards.** The director is mandated to develop and maintain standards governing the provision of indigent defense services. The standards shall include fiscal responsibility and accountability; maintaining and operating indigent defense systems across the state; prescribing qualifications, caseload management standards, and performance standards for appointed indigent defense counsel; providing guidelines for determining indigent status; and establishing procedures for the recoupment of counsel's fees and expenses.
- **Establishing Methods for Delivery of Services.** Each judicial circuit has a local indigent defense advisory board that determines the best method of delivering legal representation to indigent defendants in that circuit, reporting its chosen method to the director each year on or before October 1. The method selected may be representation by appointed counsel, contract counsel, or public defender, or any combination of the three. In the appellate courts, and in circuits that have elected to maintain a public defender's office, the director determines the method of representing indigent defendants. The system does not apply to municipal courts.
- **Processing Claims.** Under a budget approved annually by the Director of Finance, the Office of Indigent Defense Services processes payment of claims from appointed attorneys, court reporters, expert witnesses, and others providing indigent defense services. The office also processes monthly payments to contract counsel, as well as the operating expenses of six public defenders' offices. All claims are paid through the state's financial system, using funds appropriated from the Fair Trial Tax Fund, which also covers the office's operating costs. If any bill submitted for indigent defense services seems questionable, the director may request an audit by the Examiners of Public Accounts.
- **Collecting Statistical Data and Reporting.** The Office of Indigent Defense Services collects and compiles statistical data on its operations, costs, and business needs. The director must prepare an annual report on the work of the office for the chief justice, the governor, and the legislature.
- **Administering Internal Operations.** A significant portion of the office's work includes general administrative activities performed to support its programmatic areas.

Managing the Agency: Activities involved in managing the agency may include internal office management activities such as corresponding and communicating; scheduling; meeting; creating policies and procedures; reporting; litigating;

legislating (drafting, lobbying, tracking); publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Department of Finance – Office of Indigent Defense Services

Agency Record Keeping System

The Office of Indigent Defense Services operates a hybrid record-keeping system composed of paper and electronic records. In June 2012, the office implemented the Alabama Indigent Defense Claims Center (www.aidcc.alabama.gov), a web-based application for entering financial claims by appointed counsel. Contract attorneys report their monthly expenses on a separate website (www.idcars.alacourt.gov). Expert witnesses, court reporters, and others providing indigent defense services must file paper claims. Electronic records of all payment transactions are recorded in the state financial accounting system, using a database developed for indigent defense payments.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Department of Finance – Office of Indigent Defense Services: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the office are discussed below:

- **Claim and Payment Files.** The Office of Indigent Defense Services receives claims and processes payments through three separate channels, depending on the clientele involved. All forms required for claims and payments are available online.

The Alabama Indigent Defense Claims Center (www.aidcc.alabama.gov): The finance department's Information Services Division (ISD), in cooperation with the Administrative Office of Courts (AOC), developed and maintains this website. All parties share data under a memorandum of agreement. The site receives data files from the State Judicial Information System for all cases involving indigent defendants who obtain appointed counsel. Each attorney registers with Indigent Defense Services and receives a temporary password, which allows web access only to cases for which the attorney is shown as attorney of record. To obtain reimbursement of expenses, the attorney enters the date(s), description of services, and time involved in representing an indigent client. The website allows uploading of documentation (such as court orders, invoices, receipts, etc.), stores all data, and creates reports in PDF format. Once submitted, a claim is transmitted for approval to the judge who heard the case; the judge either certifies or denies the claim. Each certified claim is returned to the AIDCC website, where an Indigent Defense Services employee reviews it, approves payment if appropriate, and loads it into the state's financial accounting system. A

paper payment voucher is generated and sent to the comptroller's office for payment. Indigent Defense Services retains a second copy of the voucher, while supporting documentation is retained in electronic format on the AIDCC website (to which the Examiners of Public Accounts have access at all times). This website is stored on ISD servers.

Indigent Defense Contract Attorneys Reporting System (www.idcars.alacourt.gov): This website is designed and maintained by AOC, which was responsible for the administration of contract attorneys prior to the Office of Indigent Defense Services' creation. AOC grants access to the office for administrative purposes. Contract attorneys—like their appointed colleagues—access the appropriate website and complete a PDF form, on which they record the number of hours worked, both in and out of court, during the reporting month and the number of clients in cases closed during the reporting month. The completed form is retained on the IDCARS website, where the office uses it for reference and for preparing reports. Payment vouchers for contract attorneys are likewise generated in the state's accounting system and sent to the comptroller's office for payment, with Indigent Defense Services retaining a second copy of the payment voucher and related contracts.

Paper Claims and Payments. Court reporters, expert witnesses, and other non-attorneys providing indigent defense services file paper claims with Indigent Defense Services on the appropriate forms and provide the same kinds of information as attorneys. Again, payment vouchers are generated and sent to the comptroller's office for payment. The office retains a second copy of each claim, along with supporting documentation. Paper claim and payment records are stored in the office's archives in the RSA Union Building.

Indigent Defense Services requests a retention period of six years for all its claim and payment records, which was recommended by the Division of Control and Accounts. It suffices for in-house reference, audit (stipulated in the disposition statement), and administrative use. Electronic copies of all indigent defense payment transactions are recorded in a dedicated database in the state's financial accounting system. Currently, records are retained there for ten years, then transferred to other storage in the Information Services Division.

- **Subsidiary Reports.** The Office of Indigent Defense Services collects and compiles statistical data on its operations, costs, and business needs. Annual reports to the chief justice, the governor, and the legislature are appraised below. Other reports from the state accounting system contain information on payments made from the Fair Trial Tax fund. These reports (generated as PDF files) may be provided to the finance director, judges, attorneys, or other requesting parties. Reports created for internal accounting purposes, such as fund reconciliations and other working papers, are generated as Excel spreadsheets. Because routine reports on indigent defense services normally consist only of statistics and financial summaries, they lack the narrative component that might warrant permanent retention. The office recommends a five-year retention period for in-house reference use.

II. Permanent Records. The Government Services Division recommends the following records as permanent.

Developing Rules and Standards

- **Rules Published in Accordance with the Administrative Procedures Act.** Under the Office of Indigent Defense Services' creating legislation (Code of Alabama 1975 § 15-12-46), its "director shall promulgate rules pursuant to the Alabama Administrative Procedures Act necessary to implement this act." The Indigent Defense Services staff is currently developing administrative rules and procedures to be incorporated into the Alabama Administrative Code. Such rules of state agencies are appraised as permanent. **(Bibliographic Title: Rules Published in Accordance with the Administrative Procedures Act)**
- **Personnel Files of Public Defenders' Office Employees.** By statute, the director of Indigent Defense Services appoints public defenders to each judicial circuit that chooses that method of indigent defense. Currently, the state has six public defender's offices. Public defenders "may employ assistant public defenders, investigators, and other staff" as approved by the director. These files document fulfillment of the director's statutory responsibility to prescribe "minimum experience, training, and other qualifications for... public defenders." Although they have ongoing administrative value to the office and are appraised as permanent, they lack sufficient reference interest to warrant transfer to ADAH.

Establishing Methods for Delivery of Services

- **Memoranda of Understanding.** These records document agreements between the Office of Indigent Defense Services and allied agencies (the Administrative Office of Courts and the Department of Finance's Information Services Division) that provide web access and data for attorneys, other claimants, and office staff to submit claims and process payments. The ISD agreement covers development and maintenance of the AIDCC website, while the agreement with AOC covers the provision of case information from the court system through the AIDCC website. These memoranda have permanent legal value to the office in recording agreements that are basic to its services, but they are not appraised for transfer to ADAH.
- **Agendas, Minutes, and Packets of Meetings of the Indigent Defense Review Panel.** The act that created the Office of Indigent Defense also created a five-member Indigent Defense Panel (appointed by the Alabama State Bar, the circuit and district judges' associations, and the Alabama Lawyers' Association) to serve as a court of appeal for any decision by the office's director relating to the delivery of indigent defense services. Its own decisions are deemed final. So far, there has been no occasion for this panel to meet, but minutes and related records of any meetings it may hold would be significant for documenting indigent defense policy development. They are appraised as permanent. **(Bibliographic Title: Minutes of the Indigent Defense Review Panel)**

Collecting Statistical Data and Reporting

- **Annual Reports to the Chief Justice, the Governor, and the Legislature.** Under the office's creating legislation, the director of indigent defense services must prepare an annual report to the chief justice, the governor, and the legislature. Currently, these reports consist only of statistics and financial summaries, but the office recognizes the need to add a narrative component. Because the annual reports fulfill a statutory mandate, they are appraised as permanent. **(Bibliographic Title: Annual Reports)**

Administering Internal Operations

- **Administrative Correspondence.** These records consist of correspondence by the office's director, or other senior staff, that pertains to major policy issues, rather than routine business operations of the office. Correspondence with the governor, finance director, or legislature would be included. The series also includes annual reports, and related correspondence, from the indigent defense advisory boards in the judicial circuits. **(Bibliographic Title: Administrative Correspondence)**
- **Website and Social Media Sites.** While office staff uses other websites (described above) for processing attorney claims and payments, Indigent Defense Services also has a website of its own at www.oids.alabama.gov. The site – maintained by ISD – contains contact information, forms and memoranda issued by the office and related agencies, policy and procedural statements, and announcements. The office may also participate in social media sites. ADAH archivists capture and preserve agency websites, and other social media sites, through a service offered by the Internet Archive (Archive It). This series documents the office's functions and interaction with budgeted entities and the public. **(Bibliographic Title: Website and Social Media Site[s])**

Permanent Records List

Department of Finance –

Office of Indigent Defense Services

Developing Rules and Standards

1. Rules Published in Accordance with the Administrative Procedures Act
2. Personnel Files of Public Defenders' Office Employees*

Establishing Methods for Delivery of Services

1. Memoranda of Understanding*
2. Agendas, Minutes, and Packets of Meetings of the Indigent Defense Review Panel

Collecting Statistical Data and Reporting

1. Annual Reports to the Chief Justice, the Governor, and the Legislature

Administering Internal Operations

1. Administrative Correspondence
2. Website and Social Media Site(s)

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency.

ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Department of Finance – Office of Indigent Defense Services Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Services Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Office of Indigent Defense Services, Department of Finance. The RDA lists records created and maintained by the office in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the office to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Services Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA shall govern the disposition of all records, regardless of format, created by the agency from its creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created prior to 1940.
- This RDA supersedes any previous records disposition schedules governing the retention of the office's records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of

material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Office of Indigent Defense Services and lists the groups of records created and/or maintained by the office in carrying out those subfunctions. The office may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

**Denotes agency vital records, defined as records required to carry on its essential operations, to protect its legal and financial interests, and to assist in its recovery during a period of emergency or natural disaster.*

Developing Rules and Standards

RULES PUBLISHED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT*

Disposition: PERMANENT RECORD.

PERSONNEL FILES OF PUBLIC DEFENDERS' OFFICE EMPLOYEES

Disposition: PERMANENT RECORD. Retain in office.

Establishing Methods for Delivery of Services

MEMORANDA OF UNDERSTANDING*

Disposition: PERMANENT RECORD. Retain in office.

AGENDAS, MINUTES, AND PACKETS OF MEETINGS OF THE INDIGENT DEFENSE REVIEW PANEL*

Disposition: PERMANENT RECORD.

Collecting Statistical Data and Reporting

ANNUAL REPORTS TO THE CHIEF JUSTICE, GOVERNOR, AND LEGISLATURE*

Disposition: PERMANENT RECORD.

Subsidiary Reports

Disposition: Temporary Record. Retain 5 years.

Administering Internal Operations: Managing the Agency

ADMINISTRATIVE CORRESPONDENCE*

Disposition: PERMANENT RECORD

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Telephone Logs, Mailing Lists, Appointment Calendars

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to the Archives and the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copies of Approved RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

Computer systems documentation (hardware/software manuals and diskettes, warranties, records of access/authorities, file naming conventions)*

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the board and all permanent records have been migrated into a new system.

WEBSITE AND SOCIAL MEDIA SITE(S)

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserves the agency's website and other social media sites via a service offered by the Internet Archive [Archive It]. Check with ADAH website at www.archive-it.org/organizations/62 to ensure your agency website and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Government Services Division at 334-242-4452 to get them included.)

Administering Internal Operations: Managing Finances

Records documenting budget requests, status of funds, and operation plans

Disposition: Temporary Record. Retain 1 year following audit.

Contractual records established for the purpose of services or property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting requests for authorization from supervisors to travel on official business either within or outside the state, and other related materials, such as travel reimbursement forms and itineraries.

Disposition: Temporary Record. Retain 1 year following audit.

Audit Reports

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

** Note: Original copies of the Office of Indigent Defense Services' financial transactions, personnel records, and property management records are maintained by other divisions of the Department of Finance. Therefore, duplicate copies of these records maintained by the Office of Indigent Defense Services are not subject to retention requirements.*

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Requirement

Under the Code of Alabama 1975 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of records of the Office of Indigent Defense Services, Department of Finance as stipulated in the document.

One condition of this authorization is that the office submit an annual Records Disposition Authority (RDA) Implementation Report on its records management activities, including documentation of records destruction, to the State Record Commission in April of each year.

Recommendations

In addition, the office should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The office should designate a managerial position as its records liaison. This position is responsible for: ensuring the development of quality record-keeping systems that meet the office’s business and legal needs, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in April of each year, and ensuring the regular implementation of the office’s approved RDA.
- Destruction of temporary records, as authorized in this RDA, should occur office-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the Open Meetings Act, audit requirements, or any legal notice or subpoena.
- The office should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the office chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.
- Electronic mail contains permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA’s

requirements, the office should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of permanent records in the commission's custody and inspect records destruction documentation. Government Services Division archivists are available to instruct office staff in RDA implementation and otherwise assist the office in implementing its records management program.

The State Records Commission approved this Records Disposition Authority on April 22, 2015.

Steve Murray, Chairman
State Records Commission

Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

Chris E. Roberts, Director
Office of Indigent Defense Services

Date

Bill Newton, Acting Director
Department of Finance

Date